

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MINNESOTA
3

4 Linda Tirado,

5 Plaintiff,

6 v.

Case No.

0:20-cv-01338-JRT-JFD

7 City of Minneapolis;
8 Minneapolis Chief of Police
9 Medaria Arradondo, in his
10 official capacity; Robert
11 Kroll, in his individual
12 capacity; and Minneapolis
13 Police Department Officers
14 John Does 1-4, in their
15 official and individual
16 capacities,

17 Defendants.

18 REMOTE VIDEOTAPED 30(b)(6) DEPOSITION OF
19 CITY OF MINNEAPOLIS

20 by and through their corporate representatives

21 FORMER ASSISTANT CHIEF MIKE KJOS

22 LIEUTENANT THOMAS CAMPBELL

23 SERGEANT JUAN VALENCIA

24 SERGEANT MATTHEW SEVERANCE

25 SERGEANT KURTIS SCHOONOVER

LIEUTENANT MOLLY FISCHER

DEPUTY CHIEF TROY SCHOENBERGER

CHIEF OF STAFF MYCHAL VLATKOVICH

DATE: March 22, 2022

TIME: 9:07 a.m. (Central)

PLACE: Veritext Virtual Videoconference

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PAGES: 1 to 338

REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA

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1 chief of police, correct?

2 A. Yes.

3 Q. And you became the assistant chief of
4 police in August of 2017, correct?

5 A. Yes.

6 Q. And you retired in January of 2021; is that
7 correct?

8 A. Yes.

9 Q. So you were the City's assistant chief of
10 police as of May of 2020, correct?

11 A. Yes.

12 Q. And do you understand that you've been
13 designated by the City of Minneapolis to speak on
14 behalf of the City today with respect to certain
15 topics as they pertain to you and to former Chief
16 of Police Medaria Arradondo? Correct?

17 A. Yes.

18 Q. The topics that you'll be speaking on
19 today, as I understand it, are: First, with
20 respect to Topics 3 and 8, you have been presented
21 to testify about meetings of senior City officials
22 during the George Floyd protests concerning the
23 use of force applied to journalists and the
24 treatment of members of the press.

25 The persons who are deemed to be the senior

1 City officials for purposes of your deposition are
2 the Chief Arradondo and yourself.

3 Do you understand that?

4 A. Yes.

5 Q. And my understanding is you've also been
6 designated to testify regarding statements made by
7 senior City officials related to the treatment of
8 members of the press during the George Floyd
9 protests -- treatment by the MPD, the Minneapolis
10 Police Department, during the George Floyd
11 protests.

12 And the persons who are deemed senior City
13 officials for purposes of this topic are Chief
14 Arradondo and yourself?

15 Do you understand that?

16 A. Yes.

17 Q. And are you prepared to speak on behalf of
18 the City of Minneapolis related to those topics?

19 A. Yes.

20 Q. And what did you do to prepare to testify
21 on those topics here today?

22 A. I received a phone call from City Attorney
23 Sarff last week asking me if I would be available
24 for this deposition today. And I said yes. And
25 she informed me of the lawsuit that we are

1 discussing today. And that was the first time I
2 had been contacted regarding this situation.

3 And she forwarded me an email with a few
4 questions on it and a few attached documents, one
5 being an email that I had sent --

6 MS. SARFF: Well, I'm going to object
7 that this calls for privileged information.
8 They're just asking how you prepared for the
9 deposition.

10 A. So I've had a couple of conversations with
11 City Attorney Sarff. And -- and then I reached out
12 to former Chief Arradondo, who is in another
13 country, doesn't have cell phone coverage, and
14 informed him that this deposition would be taking
15 place.

16 Q. Did you review any documents in preparation
17 for your deposition here today?

18 A. Yes.

19 Q. What documents did you review in
20 preparation for your deposition today?

21 A. The use of force policy that was in place
22 at the time of the George Floyd protests, a SWAT --
23 it's Addendum A. It ties to their use of
24 40-millimeters during protest situations. And an
25 attachment that had previous incidents listed where

1 there apparently was media interaction with
2 officers at protests.

3 Q. Was it your understanding that that list of
4 previous incidents was something that plaintiff
5 prepared in this case?

6 A. Yes.

7 Q. Okay. And any other documents that you
8 reviewed in preparation for your deposition here
9 today?

10 A. No.

11 (B. Larson joined the proceedings.)

12 Q. And you said you reached out to Chief
13 Arradondo. Did you speak with Chief Arradondo?

14 A. Through text message. He did not have cell
15 phone service.

16 MS. HORTH-NEUBERT: I would ask that
17 those text messages please be produced to the
18 plaintiff as soon as possible.

19 MS. SARFF: Those text messages were
20 exchanged as a request from the City Attorney's
21 Office and therefore we consider them to be
22 attorney work product in terms of preparing for the
23 City deposition today.

24 BY MS. HORTH-NEUBERT:

25 Q. Mr. Kjos, did you -- was Ms. Sarff or any

1 Q. And under May 26, 2020, it says, in the
2 second line of the first paragraph, "As additional
3 information surfaced and MPD leadership and public
4 officials discovered the video recorded and posted
5 online by a bystander, they convened on phone calls
6 and arrived at City Hall to meet with media and
7 community leaders.

8 "The MPD opened a command post at the
9 Emergency Operations Training Facility (EOTF) in
10 the early afternoon in response to large crowds
11 gathered at 38th Street and Chicago Avenue and at
12 the 3rd Precinct, 3000 Minnehaha Avenue South."

13 Do you see that?

14 A. Yes.

15 Q. First, with respect to the referenced phone
16 calls, did such phone calls take place with either
17 yourself or Chief Arradondo?

18 MS. SARFF: I'm going to object to lack
19 of foundation as to what's being referenced in this
20 report.

21 BY MS. HORTH-NEUBERT:

22 Q. Do you understand the question, sir?

23 A. I am trying to read that sentence on the
24 phone calls. Just one second. (Reviewing
25 document.)

1 If the question is, did we make phone calls
2 on that date with regard to the group that was
3 gathering, the answer to that would be yes.

4 Q. And was one of the topics of discussion in
5 any of those phone calls the MPD response to
6 protests with respect to use of force?

7 MS. SARFF: And just for the record,
8 use of force is defined as use of 40-millimeters,
9 chemical agents, or equipment used to disperse
10 crowds, subject to the court's order.

11 A. I'm sorry. Can you repeat the question?

12 Q. Sure.

13 MS. HORTH-NEUBERT: Madam Court
14 Reporter, would you mind reading back the question,
15 please.

16 (The requested portion was read back by
17 the court reporter:

18 "QUESTION: And was one of the topics of
19 discussion in any of those phone calls the
20 MPD response to protests with respect to
21 use of force?")

22 A. I do not recall having the topic of the
23 "use of force" as one of those topics regarding
24 conversations on that day.

25 There were discussions on how to prepare to

1 have officers to respond to incidents and to set up
2 a command post. But I do not recall any
3 conversation with regard to the use of force.

4 Q. With respect to those phone calls that
5 you've just been describing on May 26, 2020, who
6 participated in those phone calls?

7 MS. SARFF: I'm going to object and
8 instruct the witness not to answer. He just said
9 that they didn't relate to use of force and,
10 therefore, the topics are outside of the -- or the
11 information is outside Topic 3, 8, and 16.

12 MS. HORTH-NEUBERT: I'm not going to
13 object every time you -- I'll just have a standing
14 objection every time you require a witness --
15 instruct the witness not to answer.

16 BY MS. HORTH-NEUBERT:

17 Q. Mr. Kjos, the -- during any of the phone
18 calls that you've described on May 26, 2020, was
19 the topic of the First Amendment rights of
20 journalists who attended or might attend the
21 protests discussed?

22 A. I do not recall having any conversation on
23 this date or during this time period, actually,
24 regarding journalists and use of force.

25 Q. And I fully recognize that you and the

1 Chief were dealing with a million things during the
2 days following George Floyd's death and I have very
3 little time with you so I am trying to focus on
4 just a very small subset of those -- of those
5 conversations and issues that you were dealing
6 with.

7 Turning back to the Exhibit 1, at page 20,
8 this also mentions that the MPD leadership convenes
9 by phone and then also arrived at City Hall to meet
10 with media and community leaders.

11 Did either yourself or Chief Arradondo, in
12 fact, meet at City Hall with community leaders on
13 May 26, 2020?

14 A. I personally did not meet with community
15 leaders on May 26th. And I do not recall what the
16 Chief's meeting schedule was for that day, but I do
17 believe he did meet at some point with community
18 leaders.

19 Q. Do you know if -- what the topics of
20 discussion at those meetings were with Chief
21 Arradondo?

22 A. I do not.

23 Q. And were you prepared for your deposition
24 today to discuss whether the topics of conversation
25 by Chief Arradondo at City Hall on May 26, 2020,

1 covered anything related to use of force against
2 members of the press at the protests?

3 A. Yes. And I did ask the Chief that question
4 with regard to: Did he have any meetings or
5 discussions regarding use of force involving
6 members of the press, and he told me that he did
7 not recall having any discussions with regard to
8 media members and use of force.

9 Q. At any time?

10 A. At any time during the George Floyd
11 protests, period.

12 Q. Turning back to Exhibit 1, it says that the
13 MPD convened a command post at the Emergency
14 Operations Training Facility in the early afternoon
15 of May 26, 2020.

16 Did -- was such a command post opened by
17 the MPD on May 26, 2020?

18 A. I believe so. Yes.

19 Q. Did either you or Chief Arradondo attend
20 meetings, either virtually or in person, with the
21 persons who were at that command station?

22 A. I did actually attend or go to the command
23 post. Not sure if it was on the 26th or the 27th.
24 But I personally did go to meetings at the command
25 post several times during that time frame. And I

1 do believe that Chief Arradondo also went to the
2 command post at various times throughout the
3 protest period after George Floyd's death.

4 Q. And during the time that you spent or Chief
5 Arradondo spent at the command post, did the topic
6 of conversation ever turn to the use of force
7 against journalists at the protests?

8 A. No, I do not recall any conversations that
9 I had regarding use of force against journalists.
10 And the Chief had told me, as well, that he did not
11 recall having conversations or hosting meetings
12 where a topic of discussion was force used against
13 a journalist.

14 Q. Did you or Chief Arradondo ever have any
15 communications via text with anyone regarding the
16 use of force against journalists at the protests?

17 A. I don't believe that I ever texted anybody
18 on that topic. Actually, the first I heard of this
19 topic was only a week ago. And so technically I
20 did text the Chief only last week about this topic.

21 But I don't recall texting anybody about
22 force used in regards to a member of the media
23 during this time frame of the George Floyd
24 protests.

25 Q. On May 27, 2020, the -- Chief Arradondo

1 gave a directive to use gas to disperse crowds and
2 to prevent the poss- -- prevent possible violence,
3 correct?

4 MS. SARFF: I'm going to object that
5 that is a topic designated later with a different
6 witness as to the -- as to the authorizations for
7 use of force.

8 BY MS. HORTH-NEUBERT:

9 Q. You can answer the question, sir.

10 MS. SARFF: And I'm instructing the
11 witness, therefore, not to answer because a
12 different witness has been designated for that
13 topic.

14 BY MS. HORTH-NEUBERT:

15 Q. Mr. Kjos, as the -- I need to lay the
16 foundation for my question so I'm objecting to the
17 fact that this foundation hasn't been led -- has
18 been precluded from being laid.

19 I am going to represent to you that
20 documentation indicates that Chief Arradondo gave a
21 directive for the use of gas to disperse crowds on
22 May 27, 2020.

23 And my question to you, sir, is: Did
24 either you or Chief Arradondo have any
25 conversations or meetings or make any statements

1 regarding whether journalists should be exempted
2 from gassing, or that gas should or should not be
3 used if journalists were present, or near
4 journalists?

5 MS. SARFF: I'm going to object to the
6 extent the question asks for statements, given that
7 the topics relating to statements is limited to
8 40-millimeter, less-lethal projectiles, and your
9 question is about gas.

10 And instruct the witness not answer as
11 to that portion of the question.

12 So the remaining -- the remaining
13 portion is whether or not you were engaged in -- if
14 you had any conversation with Chief Arradondo about
15 the authorization of chemical agents, if you can
16 recall.

17 A. I do not recall conversations relative to
18 press at all at that time. Our concerns were not
19 related to members of the media.

20 Q. I'm going to turn your attention back to
21 Exhibit 50 [sic], at page 11, please. Under 6 --
22 number 6 there, it says, "We learned" -- this is
23 starting in the third sentence. "We learned that
24 when the MPD command staff convened for a meeting
25 on Wednesday, May 27th, they did not discuss or

1 develop a plan." And this is referring to a formal
2 crisis response plan, as noted in the topic.

3 "The commanders, and subsequently the
4 officers, did not receive information regarding the
5 incident command, operations plan, rules of
6 engagement, and operational objectives for the
7 first several days."

8 Do you see that?

9 A. I do.

10 Q. And is it fair to say that commanders and
11 officers did not receive any instruction from
12 either yourself or Chief Arradondo regarding the
13 use of force or lack thereof with respect to
14 journalists during the George Floyd protests; is
15 that correct?

16 MS. SARFF: I'm just going to object
17 that this is a topic designated for another
18 witness. And Assistant Chief Kjos can respond in
19 his personal capacity but not on behalf of the
20 City.

21 A. There was no discussion with regard to
22 using force in relation to media, whatsoever, that
23 I can recall, throughout any of this period of
24 time.

25 Q. I'm going to turn your attention to the

1 same -- Exhibit 1 at page 43. The very bottom of
2 the paragraph -- of the page, in the last
3 paragraph, third sentence, "The first planned
4 meeting of MPD leadership, including inspectors and
5 commanders, occurred at noon on Wednesday, May 27,
6 2020. Much to the dismay of some with whom we
7 spoke, no plan or definitive actions were provided
8 or discussed and, most importantly, no command
9 structure was designated."

10 Do you see that?

11 A. I do.

12 Q. And did such a meeting of command staff
13 take place on May 27th, 2020?

14 MS. SARFF: Again, I'm going to object
15 to the extent it doesn't relate to actually one of
16 the topics. Are you --

17 MS. HORTH-NEUBERT: Are you
18 instruct- -- this is foundational, but are you
19 instructing the witness not to answer or can he
20 answer the question?

21 MS. SARFF: So to the extent there is a
22 May 27th meeting that related to use of force,
23 meaning chemical agents, 40-millimeters, or items
24 used to disperse a crowd, the Previous Press
25 Incidents, or treatment a member of the press,

1 which are the topics for which you've been
2 identified, you can -- you can answer that
3 question.

4 If the May 27th meeting didn't relate
5 to one of those topics, then it's outside of the
6 designated topics identified and you don't need to
7 answer.

8 MS. HORTH-NEUBERT: I'm going to object
9 to the -- Counsel -- both the characterization of
10 the topic and the limitation.

11 BY MS. HORTH-NEUBERT:

12 Q. But please do answer the one question that
13 your counsel is allowing you to answer.

14 MS. SARFF: If you disagree with the
15 characterization, perhaps we should discuss that
16 because the witness is here now. So if you think
17 the topic is -- if you think either of the three
18 topics are broader than that, please let me know
19 because I want to make sure that the witness is
20 talking about everything for which he's been
21 designated.

22 But I believe I've fairly described the
23 limitations based upon Judge Docherty's ruling, as
24 well as the revised notice that counsel sent to me.

25 MS. HORTH-NEUBERT: I would like to go

1 off the record at this point in time to have this
2 discussion.

3 MS. SARFF: Okay.

4 THE VIDEOGRAPHER: We're going off the
5 record at 9:47 a.m.

6 (Break: 9:47 a.m. to 9:51 a.m.)

7 THE VIDEOGRAPHER: We're going back on
8 the record at 9:51 a.m.

9 MS. HORTH-NEUBERT: We just had a, for
10 the record, colloquy off of the record between
11 counsel for the City and counsel for the Plaintiff
12 where I explained that my questioning is -- that
13 I'm currently in line of questions -- asking
14 questions relating to foundation so that I can
15 understand if the City had a meeting and -- had
16 meetings and that's what all these foundational
17 questions are about.

18 Whether use of force was discussed and,
19 if so, whether that conversation relating to
20 use of force included the specific conversation
21 about whether or not use of force was discussed
22 with respect to use of force against journalists.
23 I believe that we have an understanding, that we
24 can go forward based on that conversation.

25 Ms. Sarff, is there anything that you'd

1 like to add?

2 MS. SARFF: Just for the sake of the
3 witness, because he doesn't have access to
4 Judge Docherty's order, "use of force" is limited
5 to 40-millimeter and less-lethal projectiles,
6 chemical agents, and equipment used to disperse
7 crowds.

8 BY MS. HORTH-NEUBERT:

9 Q. So before we went off the record, we had
10 looked at this Exhibit 1 in which it indicates that
11 there was a meeting of MPD leadership, including
12 inspectors and commanders, that took place at noon
13 on Wednesday, May 27th of 2020.

14 And my question to you is: Did such a
15 meeting of command staff take place on May 27,
16 2020?

17 A. So, to start with, my answer to this
18 question, as far as referencing that document that
19 was prepared as an after-accident report, I'm not
20 sure which meeting that document is referring to
21 that took place on May 27th.

22 I would suggest that the police
23 administration, including myself and the Chief,
24 were in continual meetings throughout the days
25 following the death of Mr. Floyd and many, many

1 meetings each day in our front office, in our
2 police administration.

3 And I completely disagree with the
4 statement in that document that there was no
5 plans -- or no preparation until after this
6 meeting, whichever meeting they were referring to.

7 There were plenty of personnel within the
8 City of Minneapolis and the Minneapolis Police
9 Department planning to deal with crowds and
10 protests and all the needs of the city in reference
11 to response to 911 calls.

12 A host of meetings taking place both within
13 the Police Department and within other entities
14 within City government and outside agencies that
15 were preparing for potential crowd management
16 issues.

17 But I do not recall, at any time, in any of
18 the meetings that I attended during this period of
19 time, throughout the entire George Floyd protest
20 periods, where the topic of discussion surrounded
21 use of force in relation to media personnel.

22 Media personnel were not a concern of ours
23 during that time. It was response to pressing
24 issues in the city in a timely manner and dealing
25 with buildings that were burning, looting,

1 shots-fired calls, homicides. Things of that
2 nature is what our focus was on.

3 It was not on use of force in relation to
4 media. We did not think there would be an issue.
5 At least I -- I'm talking for myself right now. I
6 don't recall a concern about the media.

7 Q. During any of the calls or meetings that
8 you or Chief Arradondo participated in on May 26th
9 or May 27th of 2020, or in that general time
10 period, did anyone mention or discuss the fact that
11 a Unicorn Riot reporter named Niko had been injured
12 by an MPD projectile while covering the protests?

13 A. I do not recall that being a topic of
14 conversation. No.

15 Q. During any of the calls or meetings that
16 you or Chief Arradondo participated in on May 26th,
17 May 27th, or that general time period in 2020, did
18 anyone mention or discuss the fact that the
19 Minneapolis Star reporter, Alex [sic] Mannix,
20 tweeted that he had been shot in the thigh by a
21 rubber bullet, likely by police officers?

22 A. I do not recall that incident, but I would
23 say I have had conversations with that reporter in
24 the past. He's actually called me, even on my
25 personal cell phone, since I've been retired. So

1 if there was an incident, I would feel that he
2 would have been willing to reach out to myself.

3 Q. Did he?

4 A. No.

5 Q. Do you have any reason to believe that his
6 tweet was incorrect?

7 MS. SARFF: Objection. Lack of
8 foundation and it's outside of the topics. So I'm
9 instructing you not to answer.

10 BY MS. HORTH-NEUBERT:

11 Q. Let me rephrase. Do you have any reason to
12 believe that a tweet by Alex -- Andy Mannix of the
13 Minneapolis Star Tribune saying that he had been,
14 quote, "shot in the thigh," close quote, by a
15 rubber bullet during the George Floyd protests is
16 incorrect?

17 MS. SARFF: I'm going to object to lack
18 of foundation. It calls for speculation.

19 BY MS. HORTH-NEUBERT:

20 Q. You can answer the question.

21 A. The answer is: I have no knowledge of that
22 tweet, other than the fact that it was listed on
23 the document that was provided for this deposition.

24 Q. During any of the calls or meetings that
25 you or Chief Arradondo participated in or around

1 the time period of May of 2020, following the death
2 of George Floyd, did anyone mention or discuss the
3 fact that reporter Max Nesterak of the Minneapolis
4 Reporter [sic] had alleged he was shot in the chest
5 by a less-lethal projectile while covering the
6 protests on May 27, 2020?

7 A. I do not recall any discussions in the time
8 frame of the George Floyd protests with regard --
9 that I personally have had with regard to media
10 members being -- having force used against them. I
11 did not participate or hear any discussions on
12 that -- that matter.

13 Q. During the time period of May 2020 through
14 early June of 2020, after the death of
15 George Floyd, did either yourself or Mr. Arradondo
16 or anyone working on your behalf monitor press,
17 such as the Minneapolis [sic] Reformer, the
18 Minneapolis Star Tribune, regarding news related to
19 the George Floyd protests, such as the ones I've
20 just mentioned?

21 A. I am unaware of whether or not any MPD
22 personnel were monitoring those news outlets. I
23 have no knowledge of that occurring.

24 Q. Were you or Chief Arradondo apprised of any
25 news stories -- during this time period of May 2020

1 through early June of 2020, following the death of
2 George Floyd, were you or Chief Arradondo apprised
3 of any news stories related to injuries that press
4 members were alleging were being suffered during
5 the George Floyd protests due to less-lethal
6 projectiles fired by the MPD?

7 A. I am not -- I was not made aware of any
8 story in the press regarding use of force against a
9 member of the media.

10 Chief Arradondo did tell me that during a
11 press release that he was conducting at the
12 Greek -- St. Mary's Greek Orthodox Church in
13 southwest Minneapolis, one of the journalists had
14 informed him that some media members had been
15 exposed to chemical irritants at one of the
16 protests, and that was a question posed to him
17 during this press release.

18 Q. When was that conversation at St. Mary's
19 Greek Orthodox Church?

20 A. It would have been during that time period
21 of the George Floyd protests when he conducted a
22 media press conference at that site. I don't know
23 the exact date.

24 Q. But you mentioned that the question related
25 to chemical irritants; is that correct?

1 A. That's correct. He said that one of the
2 journalists had said that they had -- I don't know
3 if it was that journalist or some other journalist
4 had been exposed to chemical irritant when it was
5 delivered to the crowd outside of the 3rd Precinct.

6 Q. Do you have an understanding of what kind
7 of chemical irritant was being referenced, based on
8 your conversation with Arradondo, or Chief
9 Arradondo?

10 A. I do not.

11 Q. During the early period of the -- the first
12 few days, May 26th, May 27th, May 28th, was the MPD
13 using chemical irritants with respect to dispersing
14 crowds?

15 MS. SARFF: I'm going to object that
16 that's outside of this witness's topic unless it
17 relates to a meeting and note that a different
18 representative has been identified to talk about
19 the use of force during the George Floyd protests.

20 MS. HORTH-NEUBERT: I'm following up on
21 the incident that this witness has described.

22 BY MS. HORTH-NEUBERT:

23 Q. So you can please answer my question.

24 MS. SARFF: I've instructed him not to
25 answer.

1 BY MS. HORTH-NEUBERT:

2 Q. What, if anything, did you or Chief
3 Arradondo or anyone in the MPD do in response to
4 the question that was asked of Chief Arradondo at
5 that meeting at St. Mary's Greek Orthodox Church
6 regarding the use of chemical irritants?

7 A. Chief Arradondo told me that he apologized
8 to the reporter for that incident having taken
9 place. He said that he would use the information
10 that came to him through the media to learn and to
11 attempt to mitigate in his best possible way any
12 future incidents if possible.

13 Q. He said that at the meeting at St. Mary's?

14 A. That is what he told me; that he said
15 something of that nature to the reporter during
16 that press conference.

17 Q. And did Chief Arradondo or you or anyone
18 else within the MPD, in fact, use the information
19 that came to him through the media to learn and to
20 attempt to mitigate as best as possible -- in as
21 best possible way any future incidents?

22 A. I don't know what the Chief did with that
23 information at that time. I just learned of that
24 information this past week. And I'm retired now.
25 I -- you know, I don't have anything I can do with

1 that. But, again, I am unaware of what, if
2 anything, the Chief did with that information.

3 Q. On behalf of the City, were you prepared to
4 provide testimony regarding what, if anything, the
5 Minneapolis Police Department did in response to
6 learning at the meeting at St. Mary's Greek
7 Orthodox that journalists had been exposed to
8 chemical irritants during the George Floyd
9 protests?

10 MS. SARFF: I'm going to object to the
11 extent that that calls for attorney-client
12 communications, attorney work product, and is, in
13 and of itself, outside of the topics designated for
14 this witness. And therefore instruct him not to
15 answer.

16 BY MS. HORTH-NEUBERT:

17 Q. During any of the calls or meetings that
18 you or Chief Arradondo participated in, in the time
19 period of May 26 through June -- early June of
20 2020, did anyone mention or discuss the fact that
21 freelance journalist Jared Goyette had alleged he
22 was struck in the eye and gassed by the MPD while
23 covering protests on May 27, 2020?

24 A. I do not recall any conversations with
25 regard to that individual. No.

1 Q. During the -- on May 29, 2020, there was a
2 very well-publicized incident in which a CNN
3 reporter, Omar Jimenez, and his team were arrested
4 in Minneapolis by the Minneapolis State Patrol on
5 live television while covering the protests.

6 Do you recall that?

7 MS. SARFF: I'm just going to correct.
8 It was the Minnesota State Patrol, not Minneapolis
9 State Patrol.

10 MS. HORTH-NEUBERT: Oh, sorry. My
11 abbreviation was incorrect. Thank you.

12 A. I'm sorry. I don't -- what is the
13 question?

14 Q. The question is whether you recall the
15 incident in which CNN Reporter Omar Jimenez and his
16 team were arrested on live television while
17 covering the protests?

18 A. And these are the individuals that had an
19 interaction with the State Patrol?

20 Q. Correct.

21 A. I don't recall the names of the individuals
22 involved, but I did recall news coverage of an
23 incident that took place between the Minnesota
24 State Patrol and potentially a member of the media.

25 And, in fact, when I was contacted with

1 regard to this deposition, I made the statement
2 immediately that you must be referencing the
3 State Patrol's incident. And then I was told that
4 is not -- that was a separate incident.

5 So that was the only -- the only incident
6 that I was aware of was because of news coverage of
7 some interaction between the State Patrol, I
8 believe, at the 5th Precinct during one of the
9 protests.

10 Q. And as a -- and you learned about the
11 incident with the CNN regarding the Minnesota State
12 Patrol at or around the time it occurred; is that
13 correct?

14 A. I don't recall if it was CNN. I guess if
15 you're saying it was, I'll take your word at it --
16 for that. But it was covered in the news, I
17 believe, and State Patrol did some sort of a press
18 release, I believe, at the time. But I don't
19 recall the actual incident itself or what the
20 State Patrol's response was.

21 Q. As a result of -- sorry. Strike that.
22 You don't recall if it was CNN, but you do
23 recall the incident involving the State Patrol.
24 And did that -- did you learn of that incident
25 involving the State Patrol in the time frame of

1 May 26, 2020, through early June of 2020?

2 A. Yes, I believe so.

3 Q. And as a result of learning about that
4 incident involving the State Patrol and the arrest
5 of a journalist, did you or Chief Arradondo have
6 any meetings or make any statements related to the
7 use of force against the press during the
8 George Floyd protests?

9 MS. SARFF: I'm just going to object to
10 the extent that that question relates to statements
11 and statements is limited to the previous press
12 incidences and that this incident is not listed on
13 that Exhibit B.

14 BY MS. HORTH-NEUBERT:

15 Q. You can answer the question.

16 A. I do not recall making any statements
17 regarding the State Patrol's use of force in that
18 incident.

19 Q. To be clear, my question was not whether
20 you made any statement regarding that incident. My
21 question was whether, after learning of that
22 incident, you or Chief Arradondo had any meetings
23 or made any statements related to the use of force
24 against the press during the George Floyd protests?

25 A. No. We did not have discussion with regard

1 to that incident or any discussion about
2 use of force against media. I want to reiterate:
3 Media was not our concern during these protests.

4 MS. HORTH-NEUBERT: I'd like to go off
5 the record and put another exhibit on the
6 Exhibit Share. This is tab 97J, please, Alyssa.

7 THE VIDEOGRAPHER: Did you want to go
8 off the record?

9 MS. HORTH-NEUBERT: Yes, please.

10 MS. SARFF: Again, just -- Kraig, I
11 want to be clear that we're not agreeing to go off
12 the record.

13 MS. HORTH-NEUBERT: For your purposes,
14 Kraig, that means that you have to stay on the
15 record, but we are requesting that this time not be
16 taken -- used -- counted against our time on the
17 record with the witness.

18 (Exhibit 2 was marked for
19 identification.)

20 MS. HORTH-NEUBERT: And also, K,
21 please. Oh, sorry. No, just J. Just J. Just J.

22 BY MS. HORTH-NEUBERT:

23 Q. It should be there now, I believe, on your
24 Exhibit Share and also it is on the screen.

25 For the record, we've marked as Exhibit 2

1 an email dated May 31, 2020, from Kurtis Schoonover
2 to Police - 40-millimeter Operator Contact List,
3 Bates stamp MPLS_Tirado006647, is the first Bates
4 stamp.

5 Mr. Kjos, have you seen this document
6 before?

7 A. I don't recall seeing this document, no.

8 Q. Do you know who Kurtis Schoonover is?

9 A. Yes. His -- we refer to him as Sergeant
10 "Scoon-over."

11 Q. Oh, did I mispronounce the name? I'm
12 sorry. "Scoon-over."

13 And do you know who is on this LISTSERV
14 police 40-millimeter operator contact list?

15 A. I do not.

16 Q. Were you on that contact list?

17 A. I do not believe so.

18 Q. Were you aware that Kurtis Schoonover sent
19 this email on or around May 31, 2020?

20 A. I was not.

21 Q. I'd like to direct your attention to the
22 next page, which is Bates marked 6648. In the
23 second bullet -- sorry. Let me go back to the
24 first page first. I apologize.

25 On the first page, it says, "I just wanted

1 to reach out to all of the 40-millimeter operators
2 for a quick reminder on the protocol of use."

3 Do you see that?

4 A. Yes.

5 Q. And the next page, second bullet says,
6 "40-millimeter less-lethal Direct Impact
7 green marking rounds, blue Direct Impact rounds, or
8 BIP impact rounds may be used to protect officers
9 from assault and to protect officers in immediate
10 danger."

11 Do you see that?

12 MS. SARFF: Just for the record --

13 A. Is that -- is that on the second page? I'm
14 only --

15 Q. Correct.

16 A. -- seeing the first page.

17 MS. HORTH-NEUBERT: Alyssa, can you go
18 to the second page, please? Sorry.

19 BY MS. HORTH-NEUBERT:

20 Q. Do you see that there, where my cursor is?
21 I don't know if you can see my cursor actually. It
22 says, "40-millimeter" -- second bullet --
23 "less-lethal Direct Impact green marking rounds..."

24 Do you see that?

25 A. Yes, I see that.

1 Q. And is it fair to say that neither you nor
2 Chief Arradondo instructed anyone to send this
3 reminder email?

4 A. Yes, I did not instruct anyone to send this
5 and I don't believe the Chief instructed anyone to
6 send this directive.

7 Q. And did -- and neither you or Chief
8 Arradondo reviewed this direct -- this email before
9 it was sent, correct?

10 A. I definitely did not. I do not know -- I
11 believe the Chief did not, but he would need to
12 answer that.

13 MS. HORTH-NEUBERT: Okay. You can take
14 that down, Alyssa. Thank you.

15 BY MS. HORTH-NEUBERT:

16 Q. Are you familiar with the organization
17 Silha Center, S-i-l-h -- sorry, S-i-l-h-a, Silha
18 Center?

19 A. No.

20 Q. So is it fair to say that you were not
21 reading any of the reports issued by the Silha
22 Center during this time period; in particular, the
23 report titled, "List of incidents involving police
24 and journalists during civil unrest in Minnesota"?

25 A. I don't know that organization so it is

1 likely I have not read any documents they provided.

2 Q. Closing the loop here, the -- did you or
3 Chief Arradondo attend any meetings with City
4 councilmembers relating to the use of force against
5 journalists during the George Floyd protests in
6 May of 2020 through early June of 2020?

7 A. I do not recall attending any meetings with
8 councilmembers with regard to force used against
9 media at any time.

10 And the Chief told me that during that
11 period, he did not recall meetings that he hosted
12 or the Mayor hosted with regard to any force used
13 in regard to media.

14 Q. And is it fairer to say that you -- neither
15 you nor Chief Arradondo had any meetings, virtual
16 or in person, with any City councilmembers at which
17 the City councilmember informed you that they were
18 being told by constituents about mistreatment of
19 the media during the George Floyd protests?

20 A. Again, I do not recall any communication
21 between myself or the Chief with councilmembers
22 specific to force used regarding media members.

23 Q. And to be clear, your testimony here today
24 is that despite numerous press reports and reports
25 to City councilmembers and the question to Chief

1 Arradondo at a meeting at St. Mary's Church,
2 neither you nor Chief Arradondo had any meetings or
3 made any statements regarding the use of force
4 against members of the press covering the
5 George Floyd protests; is that correct?

6 MS. SARFF: I'm going to object to the
7 extent it misstates facts, particularly multiple
8 reports to City councilmembers, and that it
9 misstates the witness's previous testimony
10 regarding public statements involving members of
11 the press.

12 BY MS. HORTH-NEUBERT:

13 Q. You can answer the question, sir.

14 MS. SARFF: You can answer subject to
15 those objections.

16 A. There was a lot going on during that period
17 of time and we were extremely busy dealing with,
18 not just crowd control issues, but also crime
19 throughout the city. And our focus was on
20 preservation of life and protection of property and
21 response to 911 calls, all in addition to dealing
22 with the largest protests this city has ever seen.

23 And our focus as police administrators was
24 not to be concerned about the media. And we did
25 not have meetings where we discussed use of force

1 against media because that was not the focus that
2 we were concerned with at that time.

3 Q. Thank you. I have no further questions. I
4 would like to make a statement unless you have
5 something you need to say?

6 MS. SARFF: I have some follow-up
7 questions.

8 EXAMINATION

9 BY MS. SARFF:

10 Q. Assistant Chief Kjos, during your
11 deposition, you mentioned a couple times that
12 members of the media were not the concern of you or
13 Chief Arradondo.

14 Is that because both you and Chief
15 Arradondo had not been informed of any complaints
16 that members of the press were being targeted or
17 unusually subjected to use of force during the
18 George Floyd protests?

19 MS. HORTH-NEUBERT: I'm going to object
20 because I asked this exact question, whether the
21 City was obtaining any complaints about
22 use of force related to journalists, and you
23 instructed the witness not to answer that question.

24 BY MS. SARFF:

25 Q. Please go ahead, Assistant Chief Kjos.

1 A. I'm sorry.

2 Q. When you said that you were -- that the
3 City -- that you and Chief Arradondo were not
4 concerned about the media, is that because you were
5 unaware of allegations of use of force against
6 members of the press?

7 A. That's correct. That we had not received
8 complaints -- at least I'm unaware of any
9 complaints -- that came in during that period of
10 time, at least presented to myself or the Chief, of
11 a complaint of force being used in regard to media.

12 The one statement that the Chief did make
13 is that -- at that press conference, it was
14 presented that chemical irritant had -- that some
15 media members had come into contact with that. But
16 it wasn't -- he didn't mention that it was in a
17 complaint format. It was a question at a press
18 release.

19 And had complaints come in, we would have
20 dealt with them in accordance and assigned them to
21 the Internal Affairs Unit for investigation.

22 Q. And when you say that you and Chief
23 Arradondo were not concerned about the media during
24 the George Floyd protests, is part of that because
25 you did not expect that media -- members of the

1 media would impede the MPD's attempt to respond to
2 the protests and the riot?

3 MS. HORTH-NEUBERT: Objection.

4 Leading.

5 BY MS. SARFF:

6 Q. You can answer. Was that --

7 MS. HORTH-NEUBERT: Assumes facts not
8 in evidence.

9 A. Can I speak?

10 Q. Yes.

11 A. While we were aware that there was going to
12 be a huge amount of press and media in the city of
13 Minneapolis during these protests, we had no
14 indication or feeling that the press was going to
15 be part of our problem in dealing with crowds.

16 And the Chief has been very clear that he
17 supports First Amendment rights and the freedom of
18 the press. And both of us have been very open to
19 speaking with media when there have been requests.

20 And so the reason we didn't believe that
21 the media would be of concern to us in dealing with
22 our situations we had to take care of during these
23 protests and the calls for service and that type
24 of -- is because we had not had prior experience
25 with media where there was a concern regarding

1 force used against media. So it never came up as a
2 topic between him and I.

3 MS. SARFF: Ms. Horth-Neubert, do you
4 have any additional questions for Assistant Chief
5 Kjos?

6 MS. HORTH-NEUBERT: Yes, I do.

7 FURTHER EXAMINATION

8 BY MS. HORTH-NEUBERT:

9 Q. Mr. Kjos, you testified regarding not
10 receiving complaints that journalists were injured
11 or the use of force was applied to journalists
12 during the George Floyd protests; is that correct?

13 A. Yeah, I testified that I did not -- I was
14 not aware of the complaints. If, in fact, there
15 were complaints made, they were not presented to
16 me.

17 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 request?

2 A. No, ma'am.

3 Q. I'm going to turn to some other topics now.
4 Do you understand that you have been designated to
5 testify --

6 MS. HORTH-NEUBERT: You can take that
7 document down, Alyssa.

8 BY MS. HORTH-NEUBERT:

9 Q. You've been testified -- designated to
10 testify on behalf of the City with respect to all
11 facts supporting the City's contention that, quote,
12 "the City denies that an MPD officer struck
13 plaintiff with a projectile," close quote.

14 Do you understand you've been designated by
15 the City to answer questions responsive to that
16 request -- that interrog- -- that topic? Excuse
17 me.

18 A. Yes.

19 Q. Okay. And does the City dispute that
20 Ms. Tirado was injured in her left eye on the night
21 of May 29, 2020, while covering the Floyd protests
22 as a journalist?

23 A. Yes.

24 Q. What facts does the City rely upon in
25 taking that position?

1 A. The facts of the -- obviously the BWC
2 footage of Officer Braun and the -- I would say the
3 additional footage of teammates that were around
4 Officer Braun and, based on his deposition, stating
5 that he did not strike her with a 40-millimeter.

6 I believe Officer Braun [REDACTED]
7 [REDACTED] also stated that he
8 didn't strike her with a 40-millimeter less-lethal
9 round. Officers in that area didn't have
10 green marking rounds at the time in their
11 possession.

12 In respects to training, we don't target
13 people's faces. It's always as zone 1 or 2, which
14 is legs, below the waist, or -- or like a torso,
15 like stomach area.

16 You know, and it appeared in BWC footage,
17 also, that the complainant walked away on her own,
18 didn't show any signs of injury or distress and
19 went off into her own into the darkness. And then,
20 lastly, with regards to rounds, there was no sign
21 that she was also hit with any type of chemical, as
22 that would have been apparent if she had.

23 Q. Any other facts that the City relies on in
24 disputing that Ms. Tirado was injured in her left
25 eye on the night of May 29th while covering the

1 Floyd protests as a journalist?

2 MS. SARFF: And I'll just put on the
3 record that these answers are subject to the City's
4 objections to the extent it calls for attorney work
5 product or expertise.

6 You can answer if you're ready.

7 A. I have no further knowledge or information.

8 Q. And I want to be really clear that my
9 question specifically was whether the City disputed
10 that Ms. Tirado was, in fact, injured in her left
11 eye on the night of May 29th, not who caused it.
12 So I just want to ask that question again and make
13 sure it was really clear.

14 Does the City dispute that Ms. Tirado was
15 injured in her left eye on the night of May 29,
16 2020, while covering the Floyd protests as a
17 journalist?

18 MS. SARFF: I'm going to object that
19 that's outside of the topics, which was "identify
20 all facts where the City denies that she was struck
21 by a 40-millimeter." And therefore --

22 MS. HORTH-NEUBERT: If the City -- if
23 the City denies that she was actually struck, that
24 would be a fact that would support the City's
25 position. So I need to know the answer to that

1 MS. SARFF: Other than the -- other
2 than the testimony he's already provided.

3 BY MS. HORTH-NEUBERT:

4 Q. So the question was: Does the City have
5 any evidence that Ms. Tirado's injury was caused by
6 something other than a less-lethal projectile fired
7 by an MPD officer?

8 A. Sure. I -- just by viewing and being out
9 there and reviewing the body-worn camera footage of
10 all the items being thrown, commercial fireworks
11 going off, reports of frozen bottles, rocks, any of
12 those items could have caused those injuries.

13 Q. Does the City have any evidence that any of
14 those items caused her injury?

15 MS. SARFF: Same objections. Expertise
16 and work product.

17 A. No.

18 Q. Does the City deny that Ms. Tirado's
19 backpack was struck by a green marking round on the
20 night of May 29, 2020?

21 A. I'm sorry. You broke up just for a moment.
22 I'm sorry.

23 Q. Sure. Does the City deny that Ms. Tirado's
24 backpack was struck with a green marking round on
25 the night of May 29, 2020?

1 use of force, and policies under which use of force
2 was authorized.

3 Also, number 13, for policies and
4 procedures, training programs, courses, education,
5 regarding identification of members of the press.

6 And number 17 regarding certain discovery
7 responses by the City.

8 Are you prepared to talk about those topics
9 tonight -- or today?

10 A. Yes, ma'am.

11 Q. Okay. So let's just jump in with the
12 members of the press. Before May 29, 2020, what
13 training did MPD provide to its officers about how
14 to recognize members of the press?

15 A. I believe in 2019, during an in-service,
16 Lieutenant Nelson did put on, as part of in-service
17 for the City, a civil disturbance piece that
18 touched on that.

19 Q. Okay. Did all officers go to that
20 training?

21 A. It is our in-service, so, yes -- to the
22 best of my knowledge, officers are all required to
23 attend annual in-service in the City.

24 Q. Including SWAT?

25 A. Yes, ma'am.

1 Q. Do you remember if there was a PowerPoint
2 or other materials used at that in-service
3 training?

4 A. I don't -- I don't recall if there was a
5 PowerPoint, ma'am. I apologize.

6 Q. And what was the name of the officer who
7 conducted the training?

8 A. Gary -- Lieutenant Gary Nelson.

9 Q. Okay.

10 A. And I might be off on the time. Might have
11 been the summer of 2018.

12 Q. Okay.

13 A. But I do remember that -- a lieutenant
14 putting on a civil disturbance presentation.

15 Q. And what did that training contain
16 regarding identification of members of the press?

17 A. I don't -- I don't recall that being the --
18 it wasn't the purpose of the -- of the training.

19 Q. Okay. It was an ancillary issue?

20 A. Ma'am, I'm just a simple man. You're going
21 to have to --

22 Q. A side issue; it was a side deal?

23 A. Yes, ma'am.

24 Q. Okay. Other than that one training that
25 either happened in 2018 or 2019, do you remember

1 any other -- or do you know of any other instances
2 where the MPD has provided training to its officers
3 about how to identify members of the press?

4 A. In 2018, there was, I believe, probably 50
5 members of MPD that was -- were assigned to the
6 Civil Disturbance Unit for the Superbowl; and then
7 again in 2019, a similar group was put together
8 again for the NCAA. During that time, they
9 attended FEMA training or entry-level Mobile Field
10 Force courses in which they touched on that topic.

11 Q. And is this from your personal knowledge or
12 is this from understanding, you know, what you've
13 been educated on and prepared for for this topic?

14 A. On both. I was a part of both of those.

15 Q. Okay. Were there any materials that went
16 along with those trainings that you just mentioned?

17 A. Uh...

18 MS. SARFF: I'm going to object. Vague
19 as to who's the provider.

20 BY MS. ALLEN:

21 Q. I mean, the MPD. Whoever put on the
22 training, were there any materials provided to the
23 officers who attended the training --

24 A. So we --

25 Q. -- about identifying members of the press?

1 A. I'm sorry. We weren't -- we sent our
2 officers to be trained by an outside source, so it
3 wasn't our training.

4 Q. Got it. Okay.

5 A. Sorry about --

6 Q. Let me be clear then. That's fine. I want
7 information on that too. Thank you.

8 So were -- in connection with those
9 trainings that were provided by a third-party
10 provider, did that third-party provider give you
11 any training materials about how to identify
12 members of the press?

13 A. What was that word you used before?

14 Q. "Ancillary"?

15 A. Yeah, that word.

16 Q. Okay. Side issue.

17 A. Yes, ma'am.

18 Q. Okay.

19 A. So during entry-level Mobile Field Force
20 training, that was a topic of discussion. However,
21 that is not the course that they attended. Right?
22 So it wasn't -- police officers weren't sent just
23 to understand this one topic.

24 Q. And how many officers attended those
25 trainings that were provided by the third-party

1 provider?

2 A. It was called the Civil Disturbance Unit.
3 Those assignments -- it was Super Bowl. Probably
4 approximately 50 officers. Yeah. So I would say
5 about 50, ma'am.

6 Q. Okay. Do you feel like MPD officers are
7 adequately trained on ways to identify members of
8 the press or do you feel like MPD is not provided
9 enough training in that regard?

10 A. So you're asking me as a person?

11 Q. I'm asking you as your role in the City --
12 so one of the things that my client would like to
13 see is more training. You know, she believes that
14 maybe she wouldn't have been hurt in the protests
15 if people had had more training.

16 And she -- I will tell you: She has
17 nothing against police officers. She really
18 doesn't. She just thinks that things could have
19 been -- things that went bad that night could have
20 been prevented. And that's how she's seeing this
21 case.

22 And so I'm asking you -- and then she feels
23 like she should have been able to be identified as
24 press. And I understand that there is a disconnect
25 there and that the City doesn't necessarily have

1 that same point of view.

2 And so my question to you, sir, as an MPD
3 officer and as in your role as a representative for
4 the City, is: Do you think the police officers are
5 getting adequate training on how to identify
6 members of the press in these civil disturbance
7 situations? Or could the City be doing a better
8 job?

9 MS. SARFF: I'm going to object to the
10 extent it misstates facts, argumentative, and
11 compound.

12 A. Ma'am, do you want to speak -- do you want
13 me to answer the --

14 Q. Yeah, you can go ahead and answer. You can
15 go ahead and answer.

16 A. At that exact time or are you talking about
17 up until today's date?

18 Q. Both.

19 MS. SARFF: Objection. Compound.

20 A. Do you want me to -- so do --

21 Q. You can answer. You can answer. I mean,
22 if you want to start with how -- whether you felt
23 it was adequate back in, you know, May 29, 2020,
24 that might give us a place to start.

25 A. Okay. So the City did take some steps and

1 other steps were kind of the in-service touching
2 points that wasn't the focus of any major training.
3 Obviously there's always things that we can do
4 better as an agency, as any department can.

5 And how we handle those situations, being
6 so complex, and not just the violence or the
7 numbers, but also in what was worn. This was the
8 first time that I think -- covering faces at that
9 exact time in our lives, I think it was still very
10 odd for people to be wearing -- to cover your face.

11 And I think, historically, when you do
12 that, you know, it kind of makes a little bit of
13 uneasiness. Not saying that covering your face or
14 wearing a face mask is bad or anything; it was just
15 one of those things. I think the complex issues of
16 how just the dynamics kind of worked out, we had
17 never seen anything like that before.

18 I've been the supervisor of protests
19 leading up to this event and it was a lot easier to
20 identify people, the press, so I, who had training,
21 because of these new complex issues, struggled as
22 well.

23 Q. Okay. So it sounds like, at least in some
24 places, you think the City could have done a better
25 job with its trainings; is that fair?

1 MS. SARFF: Objection. Vague. And
2 objection to the extent it calls for a legal
3 conclusion.

4 A. I mean, I guess, like I said, I think
5 any -- you can always be a better driver, you can
6 always be a better golfer. If we had the ability
7 to, you know, spend hundreds of hours on any one
8 thing, we could always do better. They did have --
9 we did have some things to try to mitigate some of
10 these issues, but it was -- it was very complex,
11 ma'am.

12 Q. So you just said "to mitigate these
13 issues." What has the City done to help officers
14 since the -- since the May 29, 2020, protests to
15 identify members of the press?

16 MS. SARFF: I'm just going to object to
17 the extent it calls for attorney-client
18 communications or attorney work product.

19 Otherwise, you can answer.

20 A. So since this event --

21 THE WITNESS: So I can talk about
22 after, not just in the May into June, all the way
23 leading up? Is that okay?

24 MS. SARFF: For this topic.

25 A. Training was reached out -- we reached out

1 to the City Attorney's Office and other agencies.
2 When lessons were learned from all of the other
3 things that have happened, whether it was later on
4 that year in August or in Brooklyn Center, agencies
5 that were involved but then learned responses that
6 worked and that didn't, training was put on during
7 those times to prepare the Minneapolis Police
8 Department's officers and their supervisors on how
9 to deal with that.

10 The media was one of those talking points.
11 So during the trial for Operation Safety Net, in
12 every brief that every officer saw was a discussion
13 on how to deal with and identify press.

14 Q. I'm sorry. What were those documents you
15 just mentioned?

16 A. So in every -- every one of the briefs that
17 was held at the Convention Center.

18 Q. And when was that?

19 A. When was the --

20 Q. I mean, when were the briefs held -- when
21 were the briefs held at the Convention Center?

22 A. For Operation Safety Net?

23 Q. Mm-hmm. When?

24 A. There was -- are you asking me the dates of
25 the trial?

1 Q. Yeah. Around -- if you know. Or just
2 rough time period.

3 A. I have -- ma'am, I apologize. I don't know
4 the date of the criminal trial for Derek Chauvin,
5 so -- but during this trial --

6 Q. Is it 2020? 2021?

7 A. It was 2021, ma'am.

8 Q. Okay.

9 A. I believe it was in March of -- maybe?

10 Q. Okay.

11 A. Springtime of 2021 was Operation Safety
12 Net. And leading up into Operation Safety Net was
13 a critical incident in Brooklyn Center. And we
14 took away some of the learning points from that
15 incident. And one of the things that was learned
16 from that was the identification of the press and
17 how to try to mitigate some of those issues.

18 Q. And what was that incident?

19 A. What -- what incident, ma'am?

20 Q. The one you were just talking about. The
21 one where you took away lessons about how to
22 identify press.

23 A. You want to know the officer's name or --

24 Q. I just don't know what the issue was. What
25 was the issue that caused apparently someone from

1 the press to be hurt?

2 A. I don't know if it was an injury or if it
3 was just a complaint of -- allegations of being
4 targeted. But we -- I wanted to try to mitigate,
5 moving forward, any of this kind of stuff as best
6 we could. So it became one of our topics for
7 training.

8 Q. Are there any written materials that
9 reflect the City's training to police officers or
10 third parties' trainings to police officers on
11 identification of the use -- of identification of
12 members of the press?

13 MS. SARFF: I'm going to object to the
14 extent it calls for attorney work product or
15 attorney-client communications.

16 You can answer, otherwise.

17 THE WITNESS: I can answer to what?

18 MS. SARFF: You can answer outside of
19 work product or attorney-client communications.

20 A. So we had training on this and the
21 documents that went along with the training was
22 during November 2nd of 2021, put on by a City
23 attorney. And during his presentation, it was how
24 to deal with the press.

25 It was not like the entire -- he had other

1 things, First Amendment, but most of his focal
2 points were legal issues regarding First Amendments
3 and dealing with civil disturbances.

4 MS. ALLEN: Okay. Let's pull up,
5 Alyssa, the SWAT policy, Appendix A, the
6 MPLS_Tirado006189.

7 BY MS. ALLEN:

8 Q. In the meantime, Mr. Severance -- or
9 Officer Severance --

10 MS. SARFF: Sergeant.

11 BY MS. ALLEN:

12 Q. -- do you agree that the City should
13 develop guidance or reviewing applications or
14 exemptions for curfew requirements, such as for the
15 press, and require appropriate notice to the MPD of
16 that exemption to curfew?

17 MS. SARFF: I'm going to object that
18 that's outside of topic and instruct the witness
19 not to answer.

20 BY MS. ALLEN:

21 Q. Officer Severance, are you familiar with
22 the Hillard Heintze report?

23 MS. SARFF: Ms. Allen, I know it's just
24 inadvertent, but it's Sergeant Severance.

25 ///